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## UNITED STATES DISTRICT COURT

for the

Western District of Washington

AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
DEPUTY

BY In the Matter of the Search of

(Briefly describe the property to be searched  
or identify the person by name and address)All Google/Alphabet services associated  
with the account writer3d@gmail.com

Case No. \_\_\_\_\_

MJ16-442

## APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

All Google/Alphabet services associated with the account writer3d@gmail.com as further described in Attachment A, which is attached hereto and incorporated herein by this reference.

located in the Western District of Washington, there is now concealed (identify the person or describe the property to be seized):

See Attachment B which is attached hereto and incorporated herein by this reference.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;  
☒ contraband, fruits of crime, or other items illegally possessed;  
☒ property designed for use, intended for use, or used in committing a crime;  
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

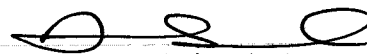
Code Section	Offense Description
Title 18, U.S.C. §1591, 2422(a)	Sex Trafficking through Force, Fraud, and Coercion; Transportation for the
Title 18, U.S.C. §§ 2252(a)(2),	Purpose of Prostitution through Coercion and Enticement.
2252(a)(4)(B)	Violations relating to child exploitation and child pornography.

The application is based on these facts:

Please see attached Affidavit of Special Agent Ingrid Arbuthnot-Stohl, Federal Bureau of Investigation, attached hereto and incorporated herein by reference.

☒ Continued on the attached sheet.

☐ Delayed notice of \_\_\_\_\_ days (give exact ending date if more than 30 days: \_\_\_\_\_) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



Applicant's signature

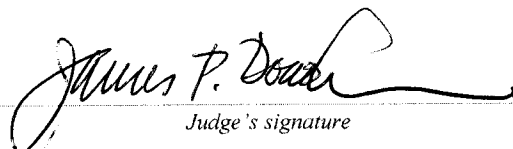
Ingrid Arbuthnot-Stohl, Special Agent, FBI

Printed name and title

Sworn to before me and signed in my presence.

Date: 17 October 2016

City and state: Seattle, Washington



Judge's signature

JAMES P. DONOHUE, CHIEF U.S. MAGISTRATE JUDGE

Printed name and title

**AFFIDAVIT**

1  
2  
3 STATE OF WASHINGTON       )  
4                                       )       ss  
5 COUNTY OF KING               )

6 I, Ingrid Arbuthnot-Stohl, being first duly sworn, depose and state as follows:

**INTRODUCTION AND AGENT BACKGROUND**

7  
8       1.     I am a Special Agent with the Federal Bureau of Investigation (FBI), assigned  
9 to the Special Agent in Charge in Seattle, Washington. I have been an agent with the FBI  
10 since December 2010. As part of my daily duties as an FBI agent, I investigate criminal  
11 violations relating to child exploitation and child pornography, including violations of Title  
12 18, United States Code §§ 2251(a), 2252A, 2422, and 2423. I have received training in the  
13 area of child pornography and child exploitation, and have observed and reviewed numerous  
14 examples of child pornography in numerous forms of media, including media stored on  
15 digital media storage devices such as computers, iPhones, etc. I have also participated in the  
16 execution of numerous search warrants involving investigations of child exploitation  
17 offenses. I have participated in numerous operations targeting the trafficking of women and  
18 children for prostitution, and am versed in the methods and motivations of those who  
19 sexually exploit women and children for financial gain. I am a member of the Seattle  
20 Internet Crimes Against Children (ICAC) Task Force in the Western District of Washington,  
21 and work with other federal, state, and local law enforcement personnel in the investigation  
22 and prosecution of crimes involving the sexual exploitation of children.

23       2.     I make this affidavit in support of an application for a search warrant for  
24 information associated with the services linked with the email account writer3d@gmail.com  
25 (the "SUBJECT ACCOUNT"), an e-mail account that is stored at premises controlled by  
26 Google, an e-mail provider headquartered at 1600 Amphitheatre Parkway, Mountain View,  
27 California, 94043. These services include Google Calendar, Google Docs, Google Drive,  
28 Google hangouts, Google Maps Engine, Google Offers, Google Photos, Google Services,

1 Google, Google Voice, Google+, Plusone, Youtube, and iGoogle (hereinafter the "SUBJECT  
2 ACCOUNT SERVICES"). The information to be searched is described in the following  
3 paragraphs and in Attachment A.

4 3. This affidavit is made in support of an application for a search warrant under  
5 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A) to require Google to disclose to the  
6 government copies of the information (including the content of communications) further  
7 described in Section I of Attachment B. Upon receipt of the information described in  
8 Section I of Attachment B, government-authorized persons will review that information to  
9 locate the items described in Section II of Attachment B.

10 4. The facts set forth in this Affidavit are based on my own personal knowledge;  
11 knowledge obtained from other individuals during my participation in this investigation,  
12 including other law enforcement officers; review of documents and records related to this  
13 investigation; communications with others who have personal knowledge of the events and  
14 circumstances described herein; and information gained through my training and experience.  
15 Because this Affidavit is submitted for the limited purpose of establishing probable cause in  
16 support of the application for a search warrant, it does not set forth each and every fact that I  
17 or others have learned during the course of this investigation.

18 5. Based on my training and experience and the facts as set forth in this affidavit,  
19 there is probable cause to believe that violations of Sex Trafficking through Force, Fraud,  
20 and Coercion, in violation of Title 18, United States Code, Section 1591; Transportation for  
21 the Purpose of Prostitution through Coercion and Enticement, in violation of Title 18, United  
22 States Code, Section 2422(a); Receipt or Distribution of Child Pornography, in violation of  
23 Title 18, United States Code, Section 2252(a)(2); and Possession of Child Pornography, in  
24 violation of Title 18, United States Code, Section 2252(a)(4)(B) have been committed by  
25 DAVID DELAY. There is also probable cause to search the information described in  
26 Attachment A for evidence, instrumentalities and contraband of these crimes further  
27 described in Attachment B.  
28

**THE INVESTIGATION**

1  
2           6.       On December 10, 2014, an individual named M.K. came to the Redmond  
3 Police Department (RPD) with her mother to meet with RPD Detective Natalie D'Amico.  
4 M.K.'s mother advised that M.K. has auditory exclusion disorder and severe anxiety and had  
5 been on an Individual Education Plan (IEP) from third grade through high school. M.K.'s  
6 mother described her daughter as developmentally delayed. During the subsequent  
7 interview, M.K. told Detective D'Amico that in early 2014, she had met MARYSA R.  
8 COMER through a social media website called MeetMe.com. At the time, M.K. was in high  
9 school. M.K. stated that COMER, who identified herself as "Reese," seduced her. M.K.  
10 eventually believed herself to be in love with COMER. According to M.K., she was very  
11 lonely at the time because her parents were divorced, her mother worked a lot, and she  
12 wanted to feel like part of something.

13           7.       After several months of communicating online, COMER convinced M.K. to  
14 meet her and her boyfriend, DAVID DELAY, in person. COMER and DELAY picked  
15 M.K. up from her high school. During the course of several conversations, COMER and  
16 DELAY asked M.K. to move in with them and told her that she would make their lives  
17 complete if she became a part of their relationship. Although M.K. initially declined their  
18 offer, COMER and DELAY eventually persuaded her to change her mind. Among other  
19 things, COMER and DELAY told M.K. that her parents were not good people because they  
20 were too controlling and did not treat her like an adult. M.K. stated that she eventually  
21 agreed to move in with DELAY and COMER and join their relationship because she had  
22 fallen in love with COMER.

23           8.       M.K. said that COMER was 19 years old and DELAY was 48 years old. M.K.  
24 said that she was surprised when she first met DELAY and learned that he was so much  
25 older than her and COMER.

26           9.       In June 2014, M.K. moved into COMER and DELAY'S residence in  
27 Lynnwood, Washington. After M.K. moved into the residence, COMER and DELAY told  
28 her that they were filming a documentary about human trafficking and escorting. COMER

1 and DELAY asked M.K. to participate in the documentary by working as a prostitute/escort  
2 so that she would know firsthand what the prostitution industry is like. They told her that  
3 she would be required to give them a portion of the money she earned from prostituting and  
4 that in exchange for her participation, they would give her \$20 million at the end of the  
5 production. DELAY and COMER also told M.K. that it would be legal for her to work for  
6 them as a prostitute because it was for a documentary. M.K. agreed to participate in the  
7 documentary, and to work for DELAY and COMER as a prostitute, because she believed she  
8 would receive millions of dollars for doing so. DELAY and COMER gave M.K. a contract  
9 to sign which stated that M.K. would agree to work for the documentary and to pay  
10 "production fees" every week to fund the documentary. In exchange, M.K. would receive  
11 \$20 million after the documentary was sold.

12 10. M.K. said that at DELAY and COMER's urging, she had sex with strangers for  
13 money on numerous occasions. M.K. said DELAY and COMER initially told her that she  
14 would only have to work as a prostitute until they raised enough money to film the  
15 documentary. However, they continually told her that they needed more money to fund the  
16 documentary and that she needed to prostitute to fulfill her contractual obligations.  
17 According to M.K., prostitution dates for her were typically arranged online. M.K. stated  
18 that COMER would use her iPhone and MacBook to post advertisements featuring M.K. on  
19 various escort websites, using provocative pictures that COMER had taken of M.K.  
20 COMER also responded to all inquiries from customers who responded to the online  
21 advertisements and negotiated the terms of the commercial sex act. COMER conducted  
22 these communications through an application on her iPhone. M.K. said that DELAY and  
23 COMER decided what prices M.K. should charge for commercial sex. According to M.K.,  
24 the prices were \$220 for one hour, \$180 for half an hour, and \$120 for fifteen minutes.

25 11. M.K. said that she gave all of her prostitution earnings to DELAY. On some  
26 occasions, she handed cash to COMER, but whenever she did so, COMER would give the  
27 money to DELAY. M.K. does not know what DELAY did with the money she earned from  
28 prostitution.

1           12. M.K. stated that DELAY and COMER took her to numerous other cities and  
2 states to work as a prostitute. M.K. stated that at DELAY and COMER's instruction, she  
3 engaged in commercial sex acts in Bellingham, Washington; Lynnwood, Washington;  
4 Beaverton, Oregon; Portland, Oregon; Las Vegas, Nevada; Houston, Texas; Chicago,  
5 Illinois; and in Miami, Tampa, and Fort Lauderdale, Florida. According to M.K., DELAY  
6 drove her to local destinations such as Bellingham and Oregon. Otherwise, M.K. would fly  
7 (usually with DELAY and COMER) to the destination. DELAY always made the flight  
8 arrangements and paid for the tickets, hotels and rental cars. M.K. stated that DELAY  
9 usually made the flight arrangements using either his iPad or MacBook laptop. On some  
10 occasions, M.K. traveled by herself to another city to work as a prostitute. Even when M.K.  
11 traveled by herself, COMER still placed the online advertisements and arranged the terms of  
12 the dates with sex purchasers, while DELAY took care of and paid for all travel  
13 arrangements. Whenever M.K. traveled by herself to work as a prostitute, she gave all the  
14 money she earned to DELAY as soon as she arrived home.

15           13. M.K. stated that during the time she lived with DELAY and COMER, they  
16 exercised complete control over her. Among other things, DELAY and COMER provided  
17 her with a new cell phone, as well as a computer to access her e-mail and Facebook  
18 accounts. However, DELAY and COMER also had access to her e-mail and Facebook  
19 accounts through the cell phone and computer they let her use. DELAY and COMER also  
20 monitored who she talked to on the phone.

21           14. M.K. stated that DELAY and COMER had recruited several other women to  
22 work as prostitutes to fund their "documentary" and that she (M.K.) had met some of them.  
23 She recalled some of their names and provided them to Detective D'Amico. They included  
24 T.G., J.S., and S.W. M.K. thought their ages ranged from 18 to 24, but said that she had  
25 heard DELAY talk about his interest in recruiting juvenile girls to work as prostitutes for  
26 him.

27           15. On November 5, 2014, M.K. was alone at DELAY and COMER's residence.  
28 She used a phone that she had bought two days earlier without DELAY and COMER's



1 knowledge to call her mother and ask her to pick her up. Because M.K.'s mother was in  
2 California at the time, a friend of M.K.'s mother picked M.K. up from DELAY and  
3 COMER's residence. M.K. then flew to California to reunite with her mother.

4 16. After learning that M.K. had left, both COMER and DELAY made numerous  
5 attempts to reach her. COMER made many calls to M.K. and sent numerous text messages  
6 to her pressuring her to come back to their house. DELAY also tried to get in touch with  
7 M.K., telling her that he needed her address so that he could send a check to her. DELAY  
8 also offered to pay for M.K.'s college if she returned to his house. M.K. did not respond to  
9 any of the messages or phone calls and subsequently had her phone number changed. On  
10 November 12, 2014, M.K. received a Facebook message from COMER telling her that if she  
11 didn't respond by 8:00 p.m. that evening, pictures of M.K. would be posted on her Facebook  
12 page. That evening, after M.K. did not respond, provocative pictures, including pictures of  
13 M.K. in her underwear, were posted on M.K.'s Facebook page. M.K.'s Facebook page was  
14 also updated to include the following status updates: "I'm back bitchiez," "Don't judge me"  
15 and "I'm starting my own business in the adult industry. If you know any adult film  
16 directors or clients (if you know what I mean) to send my way let me know!" When M.K.  
17 tried to access her Facebook account to remove the pictures and postings, she learned that  
18 her password had been changed and she could no longer access the account. As noted above,  
19 COMER previously had access to M.K.'s Facebook and e-mail accounts. Pursuant to a law  
20 enforcement request, Facebook subsequently disabled M.K.'s Facebook accounts.

21 17. After talking with M.K., Detective D'Amico attempted to search for the  
22 provocative images that had been posted on M.K.'s Facebook page through a Google Image  
23 search. Detective D'Amico discovered numerous prostitution advertisements online with  
24 M.K.'s picture on it. Prostitution advertisements for M.K. were posted on at least sixteen  
25 different escort related websites, including TNA Board, Backpage, Skip the Games, Escort  
26 Profile, Adult Hookups, Erotic Mug Shots, Independent Girls, Body Rub List, Escorts  
27 Forever, Escorts.Zisile, EscortsJiJi, Executive Companion, Escorts Meet, Friend4Rent,  
28 EscortsClick2Call, and Escorts Xport. M.K. stated that all of these advertisements had been

1 posted by COMER, using her iPhone or MacBook. Some of the escort advertisements  
2 involving M.K. were posted in cities such as Chicago, Everett, Tampa, Las Vegas, and  
3 Beaverton.

4 18. Detective D'Amico also located and reviewed a King County Sheriff's Office  
5 report dated April 3, 2014. The report listed both COMER and DELAY as involved parties  
6 in a prostitution case. In this case, T.G., who had previously been identified by M.K. as  
7 another female who was working for DELAY and COMER as a prostitute, was arrested for  
8 prostitution in SeaTac, Washington. T.G. told the officers who arrested and interviewed her  
9 that what she was doing was legal as it was for a documentary being produced by DELAY  
10 and that he owned a business called Grandpa's R.V. Productions. T.G. provided a phone  
11 number for DELAY, which was the same one provided by M.K. T.G. advised that she had  
12 met DELAY online while she was living in Pittsburgh and that he had paid for to fly her to  
13 Seattle. After arriving in Seattle, DELAY took T.G. to his apartment and asked her to sign a  
14 contract that said she had to work for 365 days a year and pay him \$1,800.00 a week from  
15 her prostitution earnings. According to T.G., she was going to receive \$20 million after she  
16 completed what was asked of her in the contract.

17 19. Redmond Police Department also served a search warrant to Google to recover  
18 M.K.'s e-mails during the time she had stayed with DELAY and COMER. M.K.'s account  
19 included numerous e-mails between her and the e-mail account writer3d@aol.com, which  
20 M.K. said belonged to DELAY. One e-mail sent to M.K. from the writer3d@aol.com  
21 account on September 4, 2014 stated: "Lol baby I found your charger would you stay and  
22 work another day for me baby?? Do you love me enough to do that." Another message from  
23 the writer3d@aol.com account to M.K. stated: "I need you to save us and the doc so we can  
24 get [FV (another female victim)]. I can get another ticket I really need you baby." Another  
25 e-mail sent to M.K. from the writer3d@aol.com account dated September 9, 2014 stated:  
26 "Logan \*82 702-553-4603 Call this girl and tell her you are here in town doing porn and  
27 looking for a duo partner and then see if you can slowly convince her to do the doc :)."  
28 Based upon this review of the e-mails sent from the writer3d@aol.com account to M.K.'s



1 account, Detective D'Amico concluded that DELAY was using the writer3d@aol.com  
2 account to coerce and entice M.K. to work as a prostitute and to travel across state lines for  
3 the purpose of prostitution.

4 20. Detective D'Amico also interviewed a woman named H.N. H.N. stated that  
5 she had met DELAY on the social media website tagged.com in 2012, when she was sixteen  
6 years old and DELAY was in his mid-40s. H.N. said that she and DELAY began an online  
7 sexual relationship. They also met in person and had sex on two occasions. On both  
8 occasions, H.N. was under the age of 18. According to H.N., she and DELAY primarily  
9 communicated via text message and e-mail. She said that DELAY used the e-mail account  
10 writer3d@aol.com to communicate with her. DELAY used the writer3d@aol.com e-mail  
11 account to ask her to e-mail nude photographs and sexually explicit videos to him. She  
12 stated that when she was 16 and 17, she sent nude photographs and explicit videos to  
13 DELAY at the writer3d@aol.com account. DELAY also used the writer3d@aol.com  
14 account to attempt to pressure H.N. to work for him as a prostitute and a porn star. H.N. has  
15 provided law enforcement with copies of some of the e-mail correspondence between her  
16 and DELAY's writer3d@aol.com account, and they included written requests by DELAY  
17 for H.N. to send photographs, videos, and to work as "a whore or porn star."

18 21. Redmond Police Department also served a search warrant to AOL to receive e-  
19 mail history from happy\_hollieday@aol.com, an e-mail address that M.K. stated belonged to  
20 COMER. Detective D'Amico was familiar with this e-mail address, as it was associated  
21 with the majority of the prostitution advertisements featuring M.K., particularly those posted  
22 on TNA Board. In addition, the happy\_hollieday@aol.com account included the name  
23 "Reese Comer" and the phone number 206-259-5503 at the bottom of several outgoing e-  
24 mails. There were multiple e-mails between happy\_hollieday@aol.com and  
25 writer3d@aol.com. The e-mail account happy\_holliday@aol.com provided a contact name  
26 for the e-mail account writer3d@aol.com as "David."

27 22. On August 26, 2015, I applied for and received a warrant to search the contents  
28 of the writer3d@aol.com account. My review of the documents, photographs, videos, and

1 email communications on the writer3d@aol.com account indicated that this email account  
2 was used to entice victims to participate in prostitution by participating in DELAY's so-  
3 called "documentary" on prostitution, as well as to entice juveniles to send nude and sexually  
4 explicit photographs and videos to DELAY over email.

5 23. During the course of my review of the writer3d@aol.com account, I learned  
6 that DELAY also used the e-mail account writer3d@gmail.com (the SUBJECT  
7 ACCOUNT). Specifically, in an examination of the contents of writer3d@aol.com, I  
8 discovered communications between that account and the SUBJECT ACCOUNT. Based  
9 upon my review of these communications, I concluded that the SUBJECT ACCOUNT was  
10 utilized to transfer files between the two accounts. I also found at least two emails sent from  
11 the SUBJECT ACCOUNT to the writer3d@aol.com account that included sexually explicit  
12 images of a known female, H.H., who was a juvenile at the time the photos were taken. The  
13 images are part of a series of photos that contains both child erotica and child pornography of  
14 the identified juvenile. Numerous other files that included child pornography of other known  
15 juveniles were discovered on the writer3d@aol.com account. The SUBJECT ACCOUNT  
16 also sent to writer3d@aol.com images and videos of unknown females engaged in sexual  
17 explicit acts, video of DELAY filming himself talking to the camera, and miscellaneous  
18 other photos and videos.

19 24. I have also reviewed recorded telephone calls made by DELAY to various  
20 family members during the time he has been detained in the Federal Detention Center in  
21 SeaTac, Washington. During several of these conversations, DELAY told his mother and  
22 daughter about an unknown email account that he said law enforcement does not know  
23 about. During some of these calls, DELAY has told his family members that he has further  
24 evidence related to the charges against him that he has not turned over to his attorneys or to  
25 the government. In one such conversation that took place on January 31, 2016, DELAY told  
26 his daughter he remembered the email address where "everything is," but did not want to  
27 provide the account to his lawyers. Instead, DELAY told his daughter that he wanted to  
28 release everything directly to the media. Based upon these statements, and my knowledge

1 that various images of child pornography featuring juvenile victim H.H. were transferred  
2 between the writer3d@aol.com account and the SUBJECT ACCOUNT, I believe that the  
3 SUBJECT ACCOUNT is likely the email account to which DELAY is referring on the  
4 recorded calls.

5 25. On August 2, 2016, I obtained a search warrant in the Western District of  
6 Washington for the contents of the SUBJECT ACCOUNT. The results of this search  
7 warrant were received on August 24, 2016. In a review of the contents of the SUBJECT  
8 ACCOUNT, I found several photos of H.H., an identified minor at the time the photos were  
9 taken, that were sent from the SUBJECT ACCOUNT to writer3d@aol.com. Most of the  
10 photos were consistent with child pornography. The pictures appeared to be self-taken in a  
11 bathroom, and showed H.H. naked in sexually explicit poses. At least one of these sexually  
12 explicit photos was sent from the SUBJECT ACCOUNT to a third party email,  
13 sherijean33@gmail.com. In addition to images of H.H., I also found a video of H.N., an  
14 identified minor at the time of the video. In the video, H.N. is naked along with an  
15 unidentified male, possibly a minor, who is also naked. H.N. alternates between manually  
16 masturbating the unidentified male and performing oral sex on him. This video was sent  
17 from the SUBJECT ACCOUNT to writer3d@aol.com.

18 26. The search warrant results from the SUBJECT ACCOUNT also included email  
19 communications between DELAY and various women where he discusses his work filming a  
20 "documentary." One such email exchange was between the SUBJECT ACCOUNT and the  
21 email account kylie.berlin420@gmail.com. In the email exchange, DELAY told the  
22 recipient, "call me then if you want to see the HBO deposit right now." Later, in the email  
23 exchange, David told the recipient, "So we understand each other there now is 3 million  
24 dollars in Chase for them to have the right to bid on the documentary I am not gonna wait  
25 around for you and the games you call me today if you don't I will know you want out no  
26 more excuses I won't lose that money so call me."

27 27. The response provided by Google to the warrant for the SUBJECT ACCOUNT  
28 indicated that DELAY had signed up for numerous services offered by Google to include

1 Google Calendar, Google Docs, Google Drive, Google hangouts, Google Maps Engine,  
2 Google Offers, Google Photos, Google Services, Google, Google Voice, Google+, Plusone,  
3 Youtube, and iGoogle. The response further advised me Google would only provide the  
4 information contained within these services pursuant to a search warrant that specifically  
5 identified those services.

6 28. As set forth below, I am aware, based upon my training and experience, that  
7 those who collect and trade child pornography often maintain their collection in a variety of  
8 formats and media storage devices. Services like Google Docs, Google Drive, Google  
9 Photos, Google+, YouTube, etc., are viable places for images to be stored. In addition, it is  
10 clear through a review of the email exchanges in the SUBJECT ACCOUNT and that of  
11 writer3d@aol.com, that DELAY has had ongoing email, phone, text, and other social media  
12 contact with identified minors from which he has obtained child pornography. The services  
13 offered by Google can show the dates, times, geolocation, and content of these  
14 communications, as well as provide search history that may show how he met his victims,  
15 his methodology for pursuing victims, and where he targeted his victims. In addition, the  
16 services Google offers can help establish DELAY's location when he was known to have  
17 engaged in sex trafficking. Those facilitating sex trafficking often keep calendars of the  
18 "dates" the females they're running have. A service like Google Calendar could be a  
19 repository for information relating to the facilitation of prostitution. DELAY is known to  
20 have drafted contracts with various victims for the documentary which could be stored as  
21 documents in Google Docs, or as images in services like Google Drive, Google Photo, etc.  
22 Google Services are design to be easily integrated with each other, making it simple to  
23 transfer files between services and accounts. As such, DELAY could have stored  
24 information, documents, photos, videos, and other files related to the crimes of child  
25 pornography and/or sex trafficking in one Google service and easily transferred them to any  
26 other services. It is therefore likely that SUBJECT ACCOUNT's services, specifically  
27 Google Calendar, Google Docs, Google Drive, Google hangouts, Google Maps Engine,  
28

1 Google Offers, Google Photos, Google Services, Google, Google Voice, Google+, Plusone,  
2 Youtube, and iGoogle, also contain evidence of the crimes stated in this document.

3 **BACKGROUND REGARDING SERVICES OF GOOGLE**

4 29. As a result of my training and experience, I have learned that Google provides  
5 a variety of on-line services, including electronic mail ("e-mail") access, to the general  
6 public. Google allows subscribers to obtain e-mail accounts at the domain name gmail.com,  
7 like the writer3d@gmail.com e-mail account listed in Attachment A.

8 30. Subscribers obtain an account by registering with Google. When doing so, e-  
9 mail providers like Google ask the subscriber to provide certain personal identifying  
10 information. This information can include the subscriber's full name, physical address,  
11 telephone numbers and other identifiers, alternative e-mail addresses, and, for paying  
12 subscribers, means and source of payment (including any credit or bank account number). In  
13 my training and experience, such information may constitute evidence of the crimes under  
14 investigation because the information can be used to identify the account's user or users, and  
15 to help establish who has dominion and control over the account.

16 31. E-mail providers typically retain certain transactional information about the  
17 creation and use of each account on their systems. This information can include the date on  
18 which the account was created, the length of service, records of log-in (i.e., session) times  
19 and durations, the types of service utilized, the status of the account (including whether the  
20 account is inactive or closed), the methods used to connect to the account (such as logging  
21 into the account via Google's Gmail website), and other log files that reflect usage of the  
22 account. In addition, e-mail providers often have records of the Internet Protocol address  
23 ("IP address") used to register the account and the IP addresses associated with particular  
24 logins to the account. Because every device that connects to the Internet must use an IP  
25 address, IP address information can help to identify which computers or other devices were  
26 used to access the e-mail account, which can help establish the individual or individuals who  
27 had dominion and control over the account.

1        32. In general, an e-mail that is sent to a Google subscriber is stored in the  
2 subscriber's "inbox" on Google's Gmail servers until the subscriber deletes the e-mail. If the  
3 subscriber does not delete the message, the message can remain on Google's servers  
4 indefinitely. Even if the subscriber deletes the e-mail, it may continue to be available on  
5 Google's servers for a certain period of time.

6        33. When the subscriber sends an e-mail, it is initiated at the user's computer,  
7 transferred via the Internet to the internet provider's servers, and then transmitted to its end  
8 destination. Google often maintains a copy of the e-mail sent. Unless the sender of the e-  
9 mail specifically deletes the e-mail from the Google server, the e-mail can remain on the  
10 system indefinitely. Even if the sender deletes the e-mail, it may continue to be available on  
11 Google's servers for a certain period of time.

12        34. A sent or received e-mail typically includes the content of the message, source  
13 and destination addresses, the date and time at which the e-mail was sent, and the size and  
14 length of the e-mail. If an e-mail user writes a draft message but does not send it, that  
15 message may also be saved by Google, but may not include all of these categories of data.

16        35. A Google subscriber can also store files, including e-mails, address books,  
17 contact or buddy lists, instant messages, calendar data, photographs, and other files, on  
18 servers maintained and/or owned by Google. In my training and experience, evidence of  
19 who was using an e-mail account may be found in address books, contact or buddy lists,  
20 instant messages, calendar data, e-mail in the account, attachments to e-mails, including  
21 photographs and files, and photographs and files stored in relation to the account. In this  
22 case, victim H.N. has advised law enforcement that at DELAY's request, she e-mailed  
23 numerous sexually explicit photographs and videos of herself to DELAY at his  
24 writer3d@aol.com e-mail address. I am aware from my review of the writer3d@aol.com  
25 account that this account was utilized to transfer files between it and the SUBJECT  
26 ACCOUNT. Some of these files included images of a known female who was a juvenile at  
27 the time the photos were taken. Accordingly, there is a strong likelihood that the SUBJECT  
28



1 ACCOUNT SERVICES may contain photographs and videos, which would constitute  
2 evidence of the crimes of child pornography and attempted sex trafficking of a juvenile.

3 36. A subscriber to a Google Gmail account can also store files, including address  
4 books, contact lists, calendar data, photographs and other files, on servers maintained and/or  
5 owned by Google. For example, Google offers users a calendar service that users may  
6 utilize to organize their schedule and share events with others. Google also offers users a  
7 service called Google Drive that may be used to store data and documents. The Google  
8 Drive service may be used to store documents including spreadsheets, written documents  
9 (such as Word or Word Perfect) and other documents that could be used to manage a  
10 website. Google Drive allows users to share their documents with others or the public  
11 depending on the settings selected by the account holder. Google also provides its users with  
12 access to the photo storage service "Picasa." Picasa can be used to create photo albums,  
13 store photographs, and share photographs with others. Another Google service called "You  
14 Tube" allows users to view, store and share videos. Google also provides a service called  
15 "Google Analytics". Google Analytics is a Google service that monitors website traffic and  
16 provides subscribers with data relating to how much traffic is visiting the subscriber's  
17 website, which sections of the subscriber's website users are visiting, how long users are  
18 staying on particular sections of the site, and the geographical source of users visiting the  
19 website, among other things. Based upon my experience and that of other law enforcement  
20 officers, it is common for those engaged in child pornography, and/or sex trafficking to store  
21 images, videos, and other files to multiple devices and accounts. Those engaged in such  
22 illegal activities have been known to store illicit images/video/files on accounts like Google  
23 Photos, that stores images cloud servers, rather than on the physical hard drive of the subject.  
24 This allows the subject to access the store of illicit images easily from other devices, and to  
25 share them with others who would engage in such illegal activity. Often, services will  
26 include the option to automatically upload images and other files to the cloud storage. If this  
27 option is selected, a digital backup would occur on the account holder's cloud storage.  
28 Given the ease of transfer between Google services, it is likely that evidence of child

1 | pornography and/or sex trafficking is likely to be found in the SUBJECT ACCOUNT  
2 | SERVICES.

3 | **PAST EFFORTS TO OBTAIN THIS EVIDENCE**

4 | 37. This evidence has not been previously available to me or other agents. On  
5 | May 11, 2016, I sent a preservation letter to Google, requesting that they preserve all  
6 | evidence related to the SUBJECT ACCOUNT, writer3d@gmail.com, under authority of  
7 | Title 18, United States Code, Section 2703(f)(1), for a period of 90 days. Google provided  
8 | the reference number of 9-5743000011602. On August 2, 2016, I obtained a search warrant  
9 | in the Western District of Washington for the contents of the SUBJECT ACCOUNT. The  
10 | results to this search were received on August 24, 2016. The results indicated that DELAY  
11 | had signed up for numerous Google services to include Google Calendar, Google Docs,  
12 | Google Drive, Google hangouts, Google Maps Engine, Google Offers, Google Photos,  
13 | Google Services, Google, Google Voice, Google+, Plusone, Youtube, and iGoogle. On  
14 | August 15, 2016, I sent a preservation letter to Google, requesting they preserve all evidence  
15 | related to the above services associated with the SUBJECT ACCOUNT SERVICES, under  
16 | authority of Title 18, United States Code, Section 2703(f)(1), for a period of 90 days.  
17 | Google acknowledged receipt of the preservation letter via reference number 7-  
18 | 1286000013239.

19 | **INFORMATION TO BE SEARCHED AND THINGS TO BE SEIZED**

20 | 38. Pursuant to Title 18, United States Code, Section 2703(g), this application and  
21 | affidavit for a search warrant seeks authorization to permit Google and their agents and  
22 | employees, to assist agents in the execution of this warrant. Once issued, the search warrant  
23 | will be presented to Google, with direction that the companies should identify the Google  
24 | account described in Attachment A to this affidavit, as well as other subscriber and log  
25 | records associated with the accounts, as set forth in Section I of Attachment B to this  
26 | affidavit.

27 | 39. The search warrant will direct Google to create an exact copy of the specified  
28 | account and records.

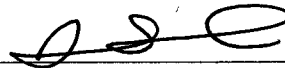
1       40. I, and/or other law enforcement personnel will thereafter review the copy of  
2 the electronically stored data, and identify from among that content those items that come  
3 within the items identified in Section II to Attachment B, for seizure.

4       41. Analyzing the data contained in the forensic image may require special  
5 technical skills, equipment, and software. It could also be very time-consuming. Searching  
6 by keywords, for example, can yield thousands of "hits," each of which must then be  
7 reviewed in context by the examiner to determine whether the data is within the scope of the  
8 warrant. Merely finding a relevant "hit" does not end the review process. Keywords used  
9 originally need to be modified continuously, based on interim results. Certain file formats,  
10 moreover, do not lend themselves to keyword searches, as keywords, search text, and many  
11 common e-mail, database and spreadsheet applications do not store data as searchable text.  
12 The data may be saved, instead, in proprietary non-text format. And, as the volume of  
13 storage allotted by service providers increases, the time it takes to properly analyze  
14 recovered data increases, as well. Consistent with the foregoing, searching the recovered  
15 data for the information subject to seizure pursuant to this warrant may require a range of  
16 data analysis techniques and may take weeks or even months. All forensic analysis of the  
17 data will employ only those search protocols and methodologies reasonably designed to  
18 identify and seize the items identified in Section II of Attachment B to the warrant.

CONCLUSION

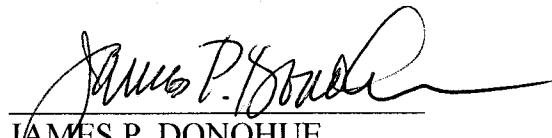
42. Based on the forgoing, I request that the Court issue the proposed search warrant. This Court has jurisdiction to issue the requested warrant because it is "a court of competent jurisdiction" as defined by 18 U.S.C. § 2711. 18 U.S.C. §§ 2703(a), (b)(1)(A) & (c)(1)(A). Specifically, the Court is "a district court of the United States . . . that has jurisdiction over the offense being investigated." 18 U.S.C. § 2711(3)(A)(i).] Pursuant to 18 U.S.C. § 2703(g), the presence of a law enforcement officer is not required for the service or execution of this warrant. Accordingly, by this Affidavit and Warrant I seek authority for the government to search all of the items specified in Section I, Attachment B (attached hereto and incorporated by reference herein) to the Warrant, and specifically to seize all of the data, documents and records that are identified in Section II to that same Attachment.

Dated this 17 day of October, 2016.



Ingrid Arbuthnot-Stohl  
Special Agent  
Federal Bureau of Investigation

SUBSCRIBED and SWORN to before me this 17<sup>th</sup> day of October, 2016.



JAMES P. DONOHUE  
Chief United States Magistrate Judge

**ATTACHMENT A**

**Accounts to be Searched**

The electronically stored data, information and communications contained in, related to, and associated with, including all preserved data associated with the services of Google account writer3d@gmail.com, to include Google Calendar, Google Docs, Google Drive, Google hangouts, Google Maps Engine, Google Offers, Google Photos, Google Services, Google, Google Voice, Google+, Plusone, Youtube, and iGoogle, as well as all other subscriber and log records associated with the above specified services, which are located at premises owned, maintained, controlled or operated by Google, an e-mail provider headquartered at 1600 Amphitheatre Parkway, Mountain View, California, 94043. Google provided the reference number 7-1286000013239 for the preservation request sent on August 25, 2016.

**ATTACHMENT B**

**I. Section I – Information to be disclosed by Google for search:**

To the extent that the information described in Attachment A is within the possession, custody, or control of Google, including any records, files, logs, or information that has been deleted but is still available to Google. Google is required to disclose the following information to the government for each account or identifier listed in Attachment A:

a. All records or other information regarding the identification of the account, to include full name, physical address, telephone numbers and other identifiers, records of session times and durations, the date on which the account was created, the length of service, the IP address used to register the account, log-in IP addresses associated with session times and dates, account status, alternative e-mail addresses provided during registration, methods of connecting, log files, and means and source of payment (including any credit or bank account number);

b. The types of service utilized;

c. All records or other information stored at any time by an individual using the account, including address books, contact and buddy lists, instant messages, and instant messenger contact information, calendar data, pictures, and files.

d. All records pertaining to communications between Google and any person regarding the account, including contacts with support services and records of actions taken.

e. All records, content, or other information stored at any time by an individual using the account services of Google Calendar, Google Docs, Google Drive, Google hangouts, Google Maps Engine, Google Offers, Google Photos, Google Services, Google, Google Voice, Google+, Plusone, Youtube, and iGoogle, including private messages, emails, contact and buddy lists, instant messages, instant messenger contact information, pictures, video, files, comments, address books, book marked content, and other files.

**II. Section II – Information to be seized by the government**

All information described above in Section I that constitutes contraband, evidence and instrumentalities of the following crimes: Sex Trafficking through Force, Fraud, and



1 Coercion, in violation of Title 18, United States Code, Section 1591; Transportation for the  
2 Purpose of Prostitution through Coercion and Enticement, in violation of Title 18, United  
3 States Code, Section 2422(a); Receipt or Distribution of Child Pornography, in violation of  
4 Title 18, United States Code, Section 2252(a)(2); and Possession of Child Pornography, in  
5 violation of Title 18, United States Code, Section 2252(a)(4)(B) including, for each account  
6 or identifier listed on Attachment A, information pertaining to the following matters:

7 a. Communications, including but not limited to e-mail and instant  
8 message communications, with individuals regarding prostitution, child pornography,  
9 websites offering escort services and the music and film industry, including but not limited  
to the following:

10 i. Communications with prostitutes, prostitution customers, or  
11 fellow members of a sex trafficking conspiracy;

12 ii. Communications regarding prostitution, sex trafficking,  
13 pornography, or the adult film industry;

14 iii. Communications with or regarding social networking sites  
15 Meetme.com, Carrot dating.com, tagged.com, sugardaddyforme.com, Facebook.com,  
16 Sexjobs.com, or Backpage.com, or communications with the users of such social networking  
sites;

17 iv. Communications regarding the music or film industry, or the  
18 making of films or documentaries; and

19 v. Communications with potential victims of sex trafficking or  
20 prostitution crimes.

21 b. Photographs used to post on the internet for advertising escort services;  
22 of criminal associates and women working with or for DAVID DELAY or MARYSA  
23 COMER; of the potential proceeds of prostitution activity, including but not limited to large  
24 sums of cash, clothing, jewelry, electronics, and vehicles; of sites or locations where DAVID  
25 DELAY or MARYSA COMER and their associates or sex workers may have engaged in  
26 prostitution activities; and constituting potential child pornography.  
27  
28

1 c. Contact lists and address books which may include names, telephone  
2 numbers, addresses, and e-mail addresses of associates, customers, potential recruits or  
3 victims, and/or sex workers involved in prostitution, sex trafficking, and the adult film  
4 industry; SMS or pager addresses, including E-mail correspondences, saved web links,  
content and connection log files, including dates, times, methods of connecting;

5 d. Internet chat files involving prostitution, sex trafficking; escorting,  
6 pornography, the adult film industry, or an alleged documentary relating to escorting and/or  
7 prostitution or the music industry;

8 e. Documents showing communication with internet posting services used  
9 to post escort services; which may contain evidence of prostitution activity; which may  
10 contain customer lists, money owed or received from the illegal activity of prostitution;  
11 which may contain evidence relating to an alleged documentary relating to escorting and/or  
prostitution or the music industry; personal identification information;

12 f. Any videos or other multimedia files relating to prostitution, sex  
13 trafficking, interstate travel, production of a documentary, or obstruction of justice;

14 g. Any calendar data, including but not limited to appointments, notes,  
15 contact information, directions, coordinates, travel information, bank account numbers;

16 h. Any data identifying geographic locations based on the tracking and  
17 mapping by a GPS device;

18 i. All messages, documents, and profile information, attachments, or other  
19 data that serves to identify any persons who use or access the account specified, or who  
20 exercise in any way any dominion or control over the specified account;

21 j. Any address lists or buddy/contact lists associated with the specified  
22 account;

1 k. All subscriber records associated with the specified account, including  
2 name, address, local and long distance telephone connection records, or records of session  
3 times and durations, length of service (including start date) and types of service utilized,  
4 telephone or instrument number or other subscriber number or identity, including any  
temporarily assigned network address, and means and source of payment for such service)  
including any credit card or bank account number;

5  
6 l. Any and all other log records, including IP address captures, associated  
7 with the specified account; and

8 m. Any records of communications between Google and any person about  
9 issues relating to the account, such as technical problems, billing inquiries, or complaints  
10 from other users about the specified account. This to include records of contacts between the  
11 subscriber and the provider's support services, as well as records of any actions taken by the  
provider or subscriber as a result of the communications.

**CERTIFICATE OF AUTHENTICITY OF DOMESTIC BUSINESS RECORDS  
PURSUANT TO FEDERAL RULE OF EVIDENCE 902(11)**

I, \_\_\_\_\_, attest, under penalties of perjury under the laws of the United States of America pursuant to 28 U.S.C. § 1746, that the information contained in this declaration is true and correct. I am employed by \_\_\_\_\_ and my official title is \_\_\_\_\_. I am a custodian of records for \_\_\_\_\_. I state that each of the records attached hereto is the original record or a true duplicate of the original record in the custody of \_\_\_\_\_ and that I am the custodian of the attached records consisting of \_\_\_\_\_ (pages/CDs/kilobytes). I further state that:

a. all records attached to this certificate were made at or near the time of the occurrence of the matter set forth, by, or from information transmitted by, a person with knowledge of those matters;

b. such records were kept in the ordinary course of a regularly conducted business activity of \_\_\_\_\_ and

c. such records were made by \_\_\_\_\_ as a regular practice.

I further state that this certification is intended to satisfy Rule 902(11) of the Federal Rules of Evidence.

Date

Signature